REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 14 - 19 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 14 and 19 have been amended.

In the office action mailed July 22, 2011, claim 19 was rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is now moot in view of the amendments to claim 19.

Further in said office action, claims 14, 15, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,401 to Ueno et al. and U.S. Patent No. 6,012,294 to Utsumi; claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and Utsumi further in view of U.S. Patent No. 5,752,726 to Fixemer; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and Utsumi and further in view of JP Publication No. 2003-065616 to Sakamoto et al.

The foregoing rejections are traversed by the instant response.

Independent claim 14, as amended herein, is directed to a refrigeration installation having at least one refrigeration consumer, which includes at least one evaporator, having at

least one feed line and at least one discharge line, via which a refrigerant or a refrigerant mixture is fed to the at least one refrigeration consumer and discharged from the at least one refrigeration consumer, the at least one refrigeration consumer having expansion members, wherein the expansion members being designed as switchable expansion valves and/or as switchable linear expansion machines which are switchable between a first working position for normal refrigerating operation and a second working position for defrosting operation wherein the refrigerant flowing through the expansion member is expanded when the expansion member is in the first working position and the pressure drop of the refrigerant flow passing through the expansion member is less than in the first working position when the expansion member is in the second working position, and each said refrigeration consumer being assigned a linear compressor

As previously discussed, a review of the primary reference to Ueno shows that it has several deficiencies. First, while Ueno discloses an expansion valve (15), there is no disclosure of the expansion valve being a switchable expansion valve which is switchable between a first working position for normal refrigerating operation in which the refrigerant flowing through the expansion member is expanded and a second working position for defrosting operation in which the pressure drop of the refrigerant flow passing through the expansion member is less than in the first working position when the expansion member is in the second working position.

According to the Examiner, the Utsumi reference discloses an idea of the present invention, namely reducing the pressure drop over the expansion device during the defrosting operation

(see pages 3 and 4 of the action). However, after having studied the cited passage of Utsumi (column 6, lines 3 to 15) in detail, the inventors do not agree with the Examiner's understanding of the Utsumi reference. Utsumi teaches "to reduce the degree of the opening of the electronic expansion valve 5" (see column 6, lines 4 - 5), which will increase the pressure drop over the expansion valve, when using the hot gas bypass defrosting method, and further teaches "to return the electronic expansion valve, which has been contracted, to its original state, when the process switches to the reverse defrosting method" (see column 6, lines 12 to 15). Thus, Utsumi teaches to increase the pressure drop in the bypass defrosting method and to switch the expansion valve to its "original state", which is the state used in normal refrigeration operation, in the reverse defrosting method. In contrast, the claims, including independent apparatus claim 14 and method claim 19 include a limitation which states that the expansion member has a first working position for normal refrigerating operation during which the refrigerant flowing through the expansion member is expanded when the expansion member is in the first working position and that the expansion member is switched into a second working position in which the pressure drop of the refrigerant flow passing through the expansion member is less than in the normal refrigeration operation (the first working position) when the expansion member is in the second working position.

Thus, even if the references were combined, they would not teach, suggest, or render obvious the subject matter of amended claims 14 and 19.

Claim 15 is allowable for the same reasons as claim 14 as well as on its own accord.

With regard to the rejections of claims 16 - 18, the Fixemer and Sakamoto et al. references do not cure the aforenoted deficiencies of the combination of Ueno and Utsumi. Thus, these claims are allowable for the same reasons as claim 14 as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

No fee is believed to be due as a result of the instant amendment. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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